IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

WP(C).No. 29961 of 2006(S)

PETITIONER:

NIYAMAVEDI, REP. BY ADV.SAJIV C.KRISHNAN
S/O.C.R.KRISHNAN, AGED 30 YEARS,
BLOCK NO.949, BALAGRAM P.O.,
3RD CAMP, IDUKKI DISTRICT.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:

1. CHAIRMAN,
GOSREE ISLAND DEVELOPMENT ASSOCIATION,
ERNAKULAM.

2. THE SECRETARY,
GOSREE ISLAND DEVELOPMENT AUTHORITY (GIDA),
ERNAKULAM.

3. THE DISTRICT COLLECTOR,
ERNAKULAM.

4. STATE OF KERALA,
REP. BY LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER MR.T.B.HOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2006 ALONG WITH WPC NO.30337/2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.29961 OF 2006-S

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTOGRAPHS SHOWING THE MISERABLE CONDITION OF THE COSHREE ROAD.

/ TRUE COPY /

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.P.(C) Nos.29961 & 30337 of 2006

Dated, this the 20th day of November, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

By this common order we propose to dispose of two connected matters bearing W.P.(C) Nos.29961 and 30337 of 2006. Petitions have been filed in public interest seeking repair of the road known as Vypin-Ernakulam. It is the case of the petitioners that the Vypin-Ernakulam road, the lifeline of the islanders as far as their connection with the main land is concerned, is in a very bad state for the last few months. The situation was bad even before the onset of Monsoon and there was hue and cry for effecting immediate repair of the road before the onset of Monsoon. The entreaties made by all concerned, however, fell on deaf ears and the situation has worsened after the incessant rainfall in the State, resulting into frequent accidents on the spot.

2. Pursuant to the notice issued by this Court a statement has been filed by 2nd and 3rd respondents, wherein it has, inter

alia, been pleaded that the Goshree Islands Development Authority (GIDA) has entrusted KITCO the task of preparation of estimate, tendering process, selection, agreement execution and supervision of work. KITCO has submitted an estimate of Rs.215 lakhs for the work. KITCO has already prepared tender document for tendering the work. The last date for submission of tender is 5.12.2006. The tender process will be completed before 15.12.2006. KITCO will thereafter intimate the details of tender process to the GIDA for acceptance. If the tender is accepted by GIDA the next step is to get approval of tenders and expenditure sanction from the Government and only thereafter the work could be started.

3. During the course of arguments it is admitted that there is no shortage of finance. The learned Government Pleader, however, states that sanction of the Government is necessary before the work of repairing of the road can be started. That the Government would give approval is not in dispute, but what, however, is stated is that Government may take time for granting approval. In the peculiar facts and circumstances of these cases we direct that immediately on acceptance of the tender the

concerned authority would move the Government for approval and the Government would give approval within ten days from receipt of the request for approval and immediately thereafter the work could be started.

With the observations as made above, these writ petitions are disposed of.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns